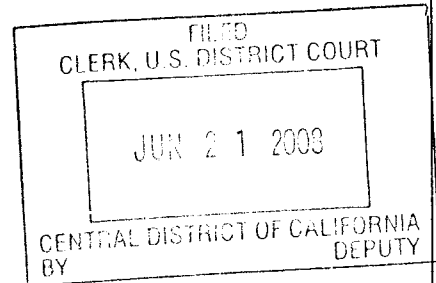


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LARON DEPAUL GIPSON,
Petitioner,
v.
RICHARD KIRKLAND, Warden,
Respondent.

Case No. CV 03-6242 VAP(JC)
(PROPOSED)
ORDER ADOPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended Petition for Writ of Habeas Corpus by a Person in State Custody (the "Second Amended Petition"), all of the records herein, and the attached Report and Recommendation of United States Magistrate Judge. The Court approves and adopts the United States Magistrate Judge's Report and Recommendation.

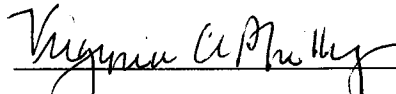
IT IS HEREBY ORDERED that (1) claims 1 and 11 of the Second Amended Petition are stricken as requested by petitioner and respondent; (2) the Motion to Dismiss is denied; and (3) respondent shall file an Answer addressing the merits of the remaining claims in the Second Amended Petition within thirty (30) days of the entry of this order absent further order of the court.

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1 IT IS FURTHER ORDERED that the Clerk serve copies of this Order and
2 the United States Magistrate Judge's Report and Recommendation on petitioner
3 and on counsel for respondent.

4 IT IS SO ORDERED.

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6 DATED: June 21 2008

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9 HONORABLE VIRGINIA A. PHILLIPS
10 UNITED STATES DISTRICT JUDGE
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